

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 ) CASE NO. 3:19-cr-00003-RRB-MMS  
 TRISTAN GRANT, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

TRANSCRIPT OF MOTION FOR TEMPORARY RESTRAINING ORDER  
**BEFORE THE HONORABLE MATTHEW M. SCOBLE, U.S. MAGISTRATE JUDGE**  
Tuesday - July 13, 2021  
12:08 p.m. - 12:46 p.m.  
Anchorage, Alaska

**FOR THE GOVERNMENT:**

Office of the United States Attorney  
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BY: JENNIFER LOWE IVERS  
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**FOR THE DEFENDANT:**

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Clerk in Attendance: Irma Hernandez

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**STACY M. BALDWIN**  
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**Federal Official Court Reporter**  
222 West 7th Avenue, #4  
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Transcript Produced from the Digital Recording

1 (Call to Order of the Court at 12:08 p.m.)

2 DEPUTY CLERK: All rise. His Honor, the Court, the  
3 United States District Court for the District of Alaska is now  
4 in session, the Honorable Matthew M. Scoble presiding.

5 Please be seated. Your Honor, we're on record in Case  
6 No. 3:19-cr-00003-RRB-MMS, *United States of America versus*  
7 *Tristan Grant*.

8 Counsel, please identify yourselves for the record.

9 MS. IVERS: Jennifer Ivers for the United States.

10 MS. DOYLE: Kayla Doyle for the United States.

11 MR. WENDT: James Wendt for Mr. Grant.

12 THE COURT: All right. Good afternoon, Ms. Ivers,  
13 Ms. Doyle. Good afternoon to you, Mr. Wendt, and good  
14 afternoon to you, Mr. Grant.

15 Okay. We're on today for a status/motion hearing on  
16 the temporary restraining order. Let's see, the parties filed  
17 status reports respectively at Docket 255 and 256.

18 In the government's status report at 255 they indicate  
19 that at some considerable effort counsel for Ms. Carter has  
20 been secured. So she is now represented. And the government  
21 indicates that they're going to be ready to proceed for further  
22 hearing on July 13th, 21st, or 22nd to address the need for a  
23 long-term protective order.

24 In their status report at 256, the defense indicates a  
25 number of issues with the conditions of Mr. Grant's confinement

1 and also raises -- expresses a desire to put off the hearing on  
2 the long-term restraining order to allow sufficient time for  
3 some witnesses to be subpoenaed. The defense also notes that  
4 there's a bright note in that it appears that some issues  
5 regarding discovery are being resolved.

6 So anything to add on the status, Ms. Ivers,  
7 Ms. Doyle?

8 MS. IVERS: Your Honor, we have Special Agent Goeden  
9 and TFO Torres here ready to testify. And I would just ask  
10 that we take the opportunity to hear their testimony today,  
11 because they're going out of town after this. And so we're  
12 ready to go with respect to those witnesses and perhaps if the  
13 defense has additional witnesses he wishes to call, we can  
14 address that on Friday.

15 THE COURT: Sure. We only have an hour today, but I'd  
16 be happy to take up what we can.

17 MS. IVERS: I think we can get through it.

18 THE COURT: Okay. Let me check in with the defense,  
19 Mr. Wendt.

20 MR. WENDT: Regarding other issues -- regarding the  
21 phone calls that was one thing in the status report.

22 THE COURT: Right. Mr. Grant's lack of access to  
23 phone calls. Is that -- when you say "phone calls," what do  
24 you mean?

25 MR. WENDT: The phone calls that have been tapped and

1 provided to the government that I have not received.

2 THE COURT: Okay.

3 MR. WENDT: The government informs me that they are  
4 still in discovery and still being processed and they have  
5 indicated that they will try to get them to me before the end  
6 of the day Thursday.

7 THE COURT: Okay.

8 MR. WENDT: It is problematic. My understanding is we  
9 have witnesses here who will be testifying about the contents  
10 of the phone calls, and they're phone calls that I haven't had  
11 the opportunity to listen to.

12 THE COURT: All right. Well, let's -- let me talk to  
13 the government about that. Are either of your witnesses going  
14 to be talking about these phone calls?

15 MS. IVERS: Yes.

16 THE COURT: Okay. Well, it certainly seems reasonable  
17 that Mr. Wendt would be able to review them prior to the  
18 witnesses' testimony.

19 MS. IVERS: I recognize that and that's why -- I mean  
20 we're kind of in a tricky spot, because they're in the sort of  
21 discovery limbo in our office and we need to get these  
22 witnesses' testimony today. So that's why I proposed -- I  
23 mean, I'm not really sure how Mr. Wendt would use those calls,  
24 if it's his client's statements. Although, to be fair we're  
25 assuming that all the evidence was (indiscernible).

1 THE COURT: I'm sorry, say that again.

2 MS. IVERS: I'm assuming that the evidence rules,  
3 we're not going to be strictly applying the evidence rules for  
4 purposes of this hearing?

5 THE COURT: And there aren't, but, you know, there's  
6 still got to be some indicia of reliability and rule of  
7 completeness and all that.

8 MS. IVERS: Yeah, I understand what you're saying.  
9 That's why -- that's the best compromise I could come up with,  
10 was to try to get those -- so that he could bring up any issues  
11 he had.

12 THE COURT: When do your witnesses go out of town?

13 MS. IVERS: Tomorrow.

14 THE COURT: For how long?

15 MS. IVERS: Until the 20th. (Indiscernible.)

16 THE COURT: Well, I certainly appreciate -- I  
17 appreciate the government trying to move this along. And  
18 obviously you can't control your witnesses' schedule. I also  
19 understand Mr. Wendt's desire to be able to review these phone  
20 calls prior to the testimony of witnesses who will be  
21 discussing these very phone calls. I think that's a reasonable  
22 request.

23 So, Mr. Wendt, if you want to move to continue the  
24 evidentiary hearing until after the government's witnesses  
25 return, we can reschedule it to that point. I would --

1 MR. WENDT: We would like to do that.

2 THE COURT: Okay.

3 MR. WENDT: But there is one other issue, Judge. If I  
4 could -- just a general issue. My client's still -- he's had  
5 one shower now.

6 THE COURT: And I do want to take up his terms -- the  
7 conditions of his confinement.

8 MR. WENDT: We got to get some loosening here.

9 THE COURT: I appreciate that. And I do want to talk  
10 about the conditions of his confinement, but let's just chop  
11 the tree in front of us.

12 MR. WENDT: Yes. Thank you.

13 THE COURT: Okay. So as far as a date for a  
14 continuance, I am barely available on the 22nd and I'm not  
15 available starting on the 23rd for the rest of July. So could  
16 we try to get in on the 21st?

17 MR. WENDT: I'm available on the 21st.

18 THE COURT: Okay.

19 MS. IVERS: I have a trial the following week. So I  
20 have quite a bit of witness prep scheduled that day.

21 I could do -- you are available that day?

22 MS. DOYLE: I am. Afternoon, I'm available on the  
23 21st.

24 THE COURT: On the 21st?

25 MS. DOYLE: And I can do that.

1 THE COURT: All right. Let me just pull up my  
2 calendar.

3 If we do come back on the 21st, Ms. Ivers, how many  
4 witnesses do you expect for the government -- I should say, how  
5 much time do you expect for the government's case?

6 MS. IVERS: Less than an hour.

7 THE COURT: Less than an hour. And, Mr. Wendt, how  
8 many witnesses would you expect and how much time would you  
9 expect to need?

10 MR. WENDT: Is that going to be the sole date for the  
11 long-term order, or we will be reconvening after that?

12 THE COURT: Well, ideally we get it all done on that  
13 day, if we can. If we can't, then we'll come back for another  
14 day.

15 MR. WENDT: I would think it would take all afternoon.

16 THE COURT: You're thinking all afternoon?

17 MR. WENDT: Yeah.

18 THE COURT: If we could get a two-hour, three-hour  
19 block.

20 DEPUTY CLERK: (Indiscernible.)

21 THE COURT: Okay.

22 DEPUTY CLERK: You only have 9:00 to 11:00.

23 THE COURT: On the --

24 DEPUTY CLERK: On the 21st.

25 THE COURT: Okay.

1 MS. DOYLE: Your Honor, I have a training for that. I  
2 can skip the training and do 9:00 to 11:00.

3 THE COURT: Are you sure?

4 MS. DOYLE: Yes, Your Honor.

5 THE COURT: Thank you. That's very helpful. I would  
6 say 9:00 to 11:00, that would be a hard stop at 11:00, but we  
7 will make as much progress as we can, July 21st, 9:00 to 11:00  
8 for a continued evidentiary hearing. And I will make the  
9 finding that there's good cause to continue the temporary  
10 restraining order until that date.

11 All right. Anything else to take up on the issue of  
12 the temporary/permanent restraining order from the government?

13 MS. IVERS: Yes, Your Honor. Ms. Carter is  
14 represented today with counsel. The government's initial  
15 request was that the temporary restraining order apply to  
16 Ms. Carter, in addition to Mr. Grant. So the government is now  
17 asking that this Court order Ms. Carter not to contact J.S. or  
18 her family. And then she does have an attorney and so if this  
19 Court issues a long-term protective order, I think it would be  
20 appropriate for the government to simply notify Ms. Carter's  
21 attorney that that was ordered and then she could inform her  
22 client so that she doesn't have to come back to the hearing  
23 next week.

24 THE COURT: That sounds reasonable to me.

25 Let's see, Ms. Weidner-Tafs, good afternoon.

1 MS. WEIDNER-TAFS: Good afternoon, Your Honor.

2 THE COURT: Go ahead and step to the microphone.

3 MS. WEIDNER-TAFS: I have a CJA23 financial affidavit  
4 filled out by Ms. Carter.

5 THE COURT: And we need to have you formally  
6 appointed?

7 MS. WEIDNER-TAFS: Yes.

8 THE COURT: All right. Let's take care of that before  
9 we do anything else.

10 MS. WEIDNER-TAFS: All right. May I approach?

11 THE COURT: Yes, please do.

12 Ms. Carter, I do find that you are eligible for the  
13 appointment of counsel under the Criminal Justice Act and I  
14 will appoint Cristina Weidner-Tafs to represent you.

15 MS. WEIDNER-TAFS: And if that could be effective as  
16 of last Friday, Your Honor, the --

17 THE COURT: All right.

18 MS. WEIDNER-TAFS: -- the 9th, I believe it was.

19 THE COURT: I will make that nunc pro tunc to July  
20 9th.

21 MS. WEIDNER-TAFS: Thank you, Your Honor.

22 Ms. Carter was subpoenaed here today. I believe that  
23 was just an effort to get her here before the Court, but I  
24 understand that she's not going to be asked to testify at the  
25 evidentiary hearing, and we would object -- I would advise her

1 not to testify. And so I don't know -- I just want that on the  
2 record in case there's any further indication that they might  
3 want to be subpoenaing her to the next hearing.

4 THE COURT: Okay. Was the subpoena from the  
5 government?

6 MS. IVERS: Yes.

7 THE COURT: Okay. And do you want Ms. Carter to be  
8 present at the next hearing?

9 MS. IVERS: Now that she has counsel, if this Court  
10 orders her not to contact J.S. and her family today, I don't  
11 see any reason to have her present at any future hearings.

12 THE COURT: All right. So no need to address the  
13 subpoena issue at this time. She did appear today. I'll note  
14 for the record that Ms. Carter is present in the gallery. So  
15 she has complied with the subpoena that was issued for today's  
16 purposes.

17 Go ahead, Ms. Weidner-Tafs.

18 MS. WEIDNER-TAFS: So she will be released from the  
19 subpoena. And then I was going to indicate that I will accept  
20 service, if there is any long-term protective restraining order  
21 on her behalf.

22 THE COURT: All right. Thank you.

23 MS. WEIDNER-TAFS: And that's all.

24 THE COURT: As far as the temporary restraining order  
25 ordering her not to have any contact with minor victim

1 identified as J.S., do you have any objection to her being  
2 subject to that?

3 MS. WEIDNER-TAFS: There's no objection without -- we  
4 don't concede that there's grounds for it, but she doesn't have  
5 a problem not contacting J.S. or her family --

6 THE COURT: Understood.

7 MS. WEIDNER-TAFS: -- in the interim until there's a  
8 long-term order.

9 THE COURT: Understood. All right. Thank you,  
10 Ms. Weidner-Tafs.

11 And, ma'am, if you don't mind, what I'll do is have  
12 your client just identify herself for the record and then I'll  
13 make that order.

14 MS. WEIDNER-TAFS: Okay.

15 THE COURT: Ma'am, Ms. Carter, if you could just step  
16 to the microphone. And go ahead and state your full name for  
17 the record, please.

18 THE WITNESS: Julissa Marie Carter.

19 THE COURT: Okay. So, ma'am, I'm going to order you  
20 not to have any contact with a minor victim identified by the  
21 initials J, like Juliette, letter S, like Sierra. Do you know  
22 who that person is?

23 THE WITNESS: Yes, sir.

24 THE COURT: Okay. You may not have any contact with  
25 her, and that's either direct or indirect contact. Direct

1 contact would be talking to somebody face-to-face or maybe  
2 calling them on the phone. Indirect contact might mean posting  
3 something on their Facebook page or having a third-party  
4 contact them on your behalf. None of those things are  
5 acceptable. Okay?

6 THE WITNESS: Okay.

7 THE COURT: So even if by some chance, I'm not saying  
8 this would be happen, but hypothetically, if she were to call  
9 you, you need to hang up. No contact means no contact. Do you  
10 understand?

11 THE WITNESS: Yes, sir.

12 THE COURT: Okay. That's a -- that is a temporary  
13 restraining order that will be in effect until the 21st of this  
14 month. And we'll take up the question of whether or not that  
15 will become a permanent restraining order. If it does become a  
16 permanent restraining order, your attorney will notify you of  
17 that. Okay?

18 THE WITNESS: Okay.

19 THE COURT: Do you have any questions?

20 THE WITNESS: No, sir.

21 THE COURT: All right. Thank you very much. You can  
22 go ahead and be seated.

23 MS. IVERS: And, Judge, does that also apply to -- the  
24 allegations are that Ms. Carter was also contacting J.S.'s  
25 mother trying to reach J.S. Can we also make that

1 (indiscernible.)

2 THE COURT: Sure. I understood your request just to  
3 apply to J.S.

4 Ms. Carter, do you know who J.S.'s mother is? Go  
5 ahead and step up to the microphone, ma'am.

6 MS. WEIDNER-TAFS: Just whether you know who she is.

7 THE COURT: Yeah. Just yes or no.

8 THE WITNESS: No, sir.

9 THE COURT: Okay. You also may not have any contact  
10 with J.S.'s mother, and it's the same thing I just explained,  
11 neither direct or indirect, do you understand?

12 THE WITNESS: Okay.

13 THE COURT: Okay. All right. Anything else on this  
14 from the government, Ms. Ivers?

15 MS. IVERS: No.

16 THE COURT: All right. Thank you, Ms. Carter. Thank  
17 you, Ms. Ivers.

18 Okay --

19 MR. WENDT: Your Honor, could I bring up an issue with  
20 my client's temporary restraining order?

21 THE COURT: Sure.

22 MR. WENDT: Is this the appropriate time to do so?

23 THE COURT: I don't know. Hang on just one second.  
24 Anything else from the government on the temporary restraining  
25 order issue?

1 MS. IVERS: No, Your Honor.

2 THE COURT: All right. Thank you.

3 Go ahead, Mr. Wendt.

4 MR. WENDT: Respectfully, Your Honor, we object to the  
5 extension of the temporary restraining order.

6 THE COURT: Okay.

7 MR. WENDT: When I read the status report issued by  
8 the government, the sole reason for extending the temporary  
9 restraining order against my client was the difficulty with  
10 getting Ms. Carter in, getting her represented and getting her  
11 here to testify.

12 As I stated at the last hearing and I've stated to  
13 opposing counsel and anyone who would listen many times,  
14 there's no way that this person was going to testify. No  
15 attorney would allow or would do anything they could to keep  
16 their client from testifying, given the -- given the  
17 allegations. I'm looking at Docket 246, specifically in  
18 paragraphs 14 and 15, and there may be others here as well,  
19 against this person.

20 I would suggest that the reason given to the Court for  
21 extending my client's temporary restraining order was  
22 unsubstantial, let's just say. I don't want to be rude. But  
23 they always knew that she's not going to testify and they just  
24 used her as an excuse to extend the temporary restraining  
25 order. So I would ask the Court to lift the temporary

1     restraining order at this time completely.

2             THE COURT:   Okay.   All right.   Your objection is  
3     noted.   I would respectfully disagree.   Based on the record  
4     before this Court, it seems as though the Court to me -- not  
5     the Court -- the government has shown diligence in preparing  
6     for this hearing.   They're endeavoring to provide discovery to  
7     the defense.   They have their two witnesses here ready to  
8     testify.   I don't have any reason to think that their  
9     representations about Ms. Carter were made in bad faith as  
10    you're suggesting.

11            In order for me to find good cause I have to find that  
12    the government has been diligent and not negligent and I think  
13    the record amply supports that they have been diligent in their  
14    representations.   I appreciate you advocating on behalf of your  
15    client and your objection is noted, but my order continuing the  
16    temporary restraining order to the 21st of July stands, and  
17    we'll take up that issue again on the 21st of July.

18            MR. WENDT:   And if we could retouch the phone calls  
19    again.   I just want to make it clear.   I hope there's no  
20    misunderstanding.   We have asked for my client's phone calls  
21    from the date of trial to present.   All the phone calls.   Not  
22    just the phone calls that were listed in the affidavit.

23            And the reason for that is these phone calls in the  
24    affidavit, the rule of completeness would require us to look at  
25    them in reference to all the other phone calls my client may

1 have had with these individuals in the affidavit. So we have  
2 asked for all the phone calls. It should not be a difficult  
3 thing to do to just copy the phone calls from the last day of  
4 trial, which was probably a couple months ago now up to present  
5 and just give them to me. So I just want that known. We're  
6 not looking for just two or three phone calls. We're looking  
7 for all the phone calls.

8 THE COURT: All right. I take your point.

9 Ms. Ivers, are you aware, is the plan to turn over all  
10 the phone calls from the date of trial to present, or what's  
11 the government's plan on this?

12 MS. IVERS: Law enforcement has not reviewed every  
13 single phone call that Mr. Grant has made from the day of trial  
14 to present. They pulled a two-week section to determine if  
15 Mr. Grant was trying to contact J.S., and that's reflected in  
16 the FBI 302 that was produced to defense counsel. I don't see  
17 any reason why we should give him --

18 I mean, Mr. Grant knows who he has been calling and  
19 what he has been calling about. I don't think we need to  
20 provide him copies of every single call he's made. That seems  
21 well outside the scope of this hearing and I don't know of any  
22 other basis to provide those, other than for purposes of this  
23 hearing.

24 THE COURT: Well, I think Mr. Wendt's argument is, and  
25 Mr. Wendt, correct me if I'm wrong, but that all the calls are

1 needed to put everything in context. And without the context  
2 of another phone call one phone call might give the wrong  
3 impression of what was -- he was trying to communicate, or  
4 something like that?

5 MR. WENDT: It's not only context and completeness.  
6 It's potential *Brady* material, Your Honor.

7 MS. IVERS: *Brady* with respect to what? Our *Brady*  
8 obligations are over, the trial happened.

9 MR. WENDT: Well, no, that's not true. *Brady*  
10 obligation continues until sentencing.

11 MS. IVERS: Okay. So what *Brady* -- I mean -- this --

12 THE COURT: So, I assume these calls were all on the  
13 Securus system?

14 MS. IVERS: FBI hasn't pulled every single call that  
15 Mr. Grant has made. I think that's well outside the scope of  
16 our obligation to produce every single call that Mr. Grant has  
17 made since April.

18 THE COURT: All right. Is it your plan to produce  
19 every call that the FBI has?

20 MS. IVERS: Yes.

21 THE COURT: Okay.

22 MS. IVERS: They pulled a two-week period to review.  
23 They don't review every single call that Mr. Grant makes. I  
24 mean, there's so many.

25 THE COURT: Sure. Well, I -- I can see going about

1 this two ways. Since the calls -- all of the calls presumably  
2 are still on this Securus system unless they've just been aged  
3 out and have been purged from the system, as Securus will do --  
4 hear me out -- and then perhaps the shortest route to resolving  
5 this would be just to have those calls dumped by Securus and  
6 provide Mr. Wendt with everything. Just throwing that out  
7 there.

8 In the alternative, Mr. Wendt, once you get the calls  
9 that the government is planning to turn over with this two-week  
10 sample, get them on Thursday. If that satisfies your discovery  
11 needs then, then we're done. If it doesn't, please meet and  
12 confer with the government to specify what it is you need and  
13 why. And if they are not inclined to turn that over, I know  
14 you know how to make the appropriate discovery motion to the  
15 Court.

16 MR. WENDT: Thank you, Judge.

17 THE COURT: All right.

18 MR. WENDT: And are we going to -- my client is  
19 raising his hand, but are we going to go and discuss the  
20 circumstances under which he's being held now?

21 THE COURT: We are.

22 MR. WENDT: Okay. We need to talk about that.

23 THE COURT: Okay. All right. Mr. Grant, is there  
24 something you want to tell me?

25 THE DEFENDANT: Yeah. She just said that I know what

1 phone calls I made and what conversations I had. First, this  
2 is an evidentiary hearing, right, for evidence, right?

3 THE COURT: We're not taking evidence right now.

4 THE DEFENDANT: Well, that's why -- I don't want every  
5 phone call that I ever made. I only made a few phone calls to  
6 these two individuals.

7 THE COURT: All right. Mr. Grant, you might want to  
8 talk to your lawyer before you --

9 THE DEFENDANT: I know what I'm saying, and I'm asking  
10 for those specific phone calls. They're talking about a  
11 two-week period that they picked a few phone calls out of. The  
12 specific phone calls that I'm asking for is showing whatever it  
13 is I'm saying I did or didn't do. So I'm asking specifically  
14 for those, there's not no -- everybody's trying to make it into  
15 a difficult situation. It's not. It's not that hard. If they  
16 can use my phone calls against me, why can't I use my phone  
17 calls for me?

18 THE COURT: Well, there is a rule of evidence that is  
19 directly on point as far as that goes.

20 But if there is something specific that you want the  
21 best thing to do is tell your lawyer and it's much, much  
22 easier -- if your lawyer can go to the government with the  
23 specific request, like we want the call from this date, that's  
24 much, much easier than just asking for everything. So talk to  
25 your lawyer, let him know what the dates are, he'll ask the

1 government and we can maybe sort this out.

2 THE DEFENDANT: I've been saying this. I said this on  
3 the 24th when we came in, I've been given -- and I already  
4 knew -- and I just I believe -- I don't know if you got the  
5 letter yet, but I believe I wrote you a letter and let you  
6 know. I already knew this was going -- this is not -- no  
7 secret. I knew this was going to happen. They don't -- of  
8 course, they're going to play these type of games.

9 They know which -- this man listen to phone calls --  
10 all my phone calls. This is not no secret. But we're not here  
11 for that. But I know for a fact, they don't want to give up  
12 those specific phone calls, because they know what's on phone  
13 calls.

14 And I -- and you know -- I done gave my lawyer this  
15 before. I had plenty of copies of every number -- the number  
16 that I specifically wanted, date, time and it's not -- it's not  
17 hard.

18 THE COURT: All right. Mr. Wendt, you have  
19 Mr. Grant's specific requests for the particular calls he  
20 wants?

21 MR. WENDT: I believe I do.

22 THE COURT: Okay.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right.

25 THE DEFENDANT: Just in case, to make it easier for

1     them, that makes it even easier.

2             MR. WENDT: All right.

3             THE COURT: So, Mr. Wendt, you can make a tailored  
4     request to the government for the specific calls and we can  
5     move forward on this issue.

6             MR. WENDT: I will.

7             THE COURT: Okay. All right. Very good.

8             All right. Regarding Mr. Grant's conditions of  
9     confinement, you wanted to talk to me about that?

10            MR. WENDT: Yes, Judge. The one -- first and  
11     foremost, the man needs to take a shower.

12            THE DEFENDANT: Yes.

13            THE COURT: All right. He's still being denied access  
14     to the shower?

15            MR. WENDT: He was able to get one shower because  
16     there was a new CO.

17            THE COURT: Right, I saw that, and that was the last  
18     time --

19            MR. WENDT: That's the only time and the only shower  
20     he's had.

21            THE COURT: Okay. All right. What else?

22            MR. WENDT: He had like -- I mean, we're talking about  
23     phone calls here, when I get the phone calls I'd like perhaps  
24     to give them to him and he can listen to them. In other words,  
25     he'd like to be able to go through discovery. He'd like to be

1   able to go to the law library. He'd like to be able to speak  
2   to his family members. I've spoken with his aunt, who I'm sure  
3   I could get her to testify and she's more than willing to do  
4   so. She's in Virginia; is that right?

5           THE DEFENDANT: Yes, sir.

6           MR. WENDT: So he would like to have the phone  
7   loosened up. Isn't it enough to just give an order that he  
8   can't contact J. --

9           THE DEFENDANT: -- my mail.

10          MR. WENDT: Yes, he's not getting mail either. My  
11   understanding is the mail was to be reviewed.

12          THE DEFENDANT: Not restricted.

13          THE COURT: Not restricted. It was to be reviewed,  
14   any ingoing or outgoing mail. I think that's in the order.  
15   They're interpreting that, and I got their -- Department of  
16   Corrections saying no mail, you know.

17          THE DEFENDANT: Confiscates all my mail. Legal  
18   mail --

19          MR. WENDT: All right. We got that.

20                So they can still go through his mail and read it if  
21   they want to, you know, scan through it and whatever they want  
22   to, but he should be able to send out letters, even though  
23   they're going to be reviewed. He should be able to receive  
24   letters, even though they're going to be reviewed.

25                He should be able to speak to his family. He -- I

1 know the Court has voiced a concern that he could borrow  
2 somebody else's number, identification number and make a phone  
3 call. I would ask that the Court simply order that no contact  
4 with J.S. or J.S.'s mother, and no contact with people who are  
5 directed or suggested to contact those people in any way is  
6 sufficient. He'd be -- he'd be crazy to do that and yet  
7 there's a slight chance he could borrow somebody else's number  
8 and do that. But I don't think that's a reasonable --

9 THE COURT: Sir, I'm literally, for the record, I'm  
10 holding aloft a letter that I received from Mr. Grant. In the  
11 first three sentences of that letter he tells me that he's  
12 sending this under another inmate's identifying --

13 THE DEFENDANT: I had no choice.

14 MR. WENDT: Apparently, he had absolutely no choice.

15 THE DEFENDANT: They are not legal (indiscernible.)

16 THE COURT: -- unless someone put a gun to his head  
17 and told him to write that letter, he had a choice. And the  
18 way he exercised that choice tells the Court that he cannot be  
19 trusted not to do the same thing with phone calls -- with phone  
20 calls or letter writing.

21 I don't want to see this man's conditions be any  
22 stricter than they need to be to ensure the safety of everybody  
23 else in the community, particularly J.S. and her family, but  
24 I'm not the one driving this train, Mr. Grant is.

25 So -- but I do want to address the shower issue. I'm

1 going to order that Mr. Grant get -- what's the standard for  
2 inmate showers, is it twice a week, three times a week?

3 MR. WENDT: I think it's three times a week.

4 THE DEFENDANT: No -- what? Who washes their tail  
5 three time --

6 MR. WENDT: Instead of arguing, is there a standard  
7 that you're aware of?

8 THE DEFENDANT: Well, I'm in the hole, so every other  
9 day.

10 THE COURT: All right. I'm going to order that he  
11 gets a shower no less than three times a week. All right.

12 THE DEFENDANT: What about law library?

13 THE COURT: So the -- I think the issue with the law  
14 library is access to computers when he's there, which makes it  
15 difficult to regulate who he communicates with.

16 THE DEFENDANT: You can't communicate with nobody.

17 MR. WENDT: I don't think they can send out emails.

18 THE DEFENDANT: They only can get Nexis and view the  
19 discovery.

20 THE COURT: Specifically with regard to the protective  
21 order, does the government have a position on Mr. Grant's  
22 access to the law library?

23 MS. IVERS: I don't know what he can and can't do in  
24 the law library. I'm just not familiar enough.

25 THE COURT: Okay.

1 MS. IVERS: Your Honor probably knows better than I  
2 do.

3 THE COURT: A lot's changed since I was regularly  
4 going to the jail.

5 Let me do this, I'm going to -- I'm going to ask the  
6 marshals to check in with the jail and report back to me. As  
7 long as there's no way for him to send messages or emails or  
8 anything out, I not only have no problem ordering that he has  
9 access to the law library, it's important. It's his right to  
10 have access to the law library. If it will in any way  
11 compromise the restriction on his communications with the  
12 outside world then the restriction will stand. But I'll have  
13 the marshals check in with the jail. And, Deputy, if you could  
14 follow up with me and I will just craft the order  
15 appropriately.

16 All right. So showering, law library --

17 THE DEFENDANT: Can I at least receive mail?

18 THE COURT: So legal mail Mr. Grant should be getting.

19 THE DEFENDANT: They're not give me nothing.

20 THE COURT: All right. So I need to ensure that he's  
21 receiving his legal mail.

22 THE DEFENDANT: So my family just sent me some money  
23 from out of state and if I can't get mail then the money just  
24 sits there, and then if it sits there for a while, that's a bad  
25 check or money order.

1 THE COURT: Sure. It will expire.

2 THE DEFENDANT: And that was in 6/25/21. I don't know  
3 why I can't just receive the mail. I can understand sending  
4 it, but receiving it.

5 THE COURT: I am inclined to agree.

6 Ms. Ivers, is there any reason that Mr. Grant  
7 shouldn't be able to receive mail, particularly -- I mean, from  
8 anybody from the outside that wants to contact him?

9 MS. IVERS: No, Your Honor.

10 THE COURT: Okay. So I'll also make the order that  
11 you can receive mail without any restrictions from the Court.  
12 The jail obviously is going to have its own restrictions, but  
13 I'm not going to limit mail that's coming in to you. Okay?

14 THE DEFENDANT: Okay.

15 THE COURT: All right. Go ahead.

16 THE DEFENDANT: Just one more thing.

17 THE COURT: Yeah.

18 THE DEFENDANT: I'm trying to -- I mean, I know you  
19 all got to have these court dates and hearings and all this  
20 other stuff, but these are allegations. They're not -- these  
21 are not facts and this just, me personally, I feel like I'm  
22 being punished for something I haven't even been proven if I  
23 did or didn't do, because this is a form -- being inside -- in  
24 the (indiscernible) in the hole by yourself, can't communicate  
25 with the outside world, and still trying to prepare myself for

1 a sentencing, and I can't -- I can't look at anything. I can't  
2 get any -- I don't -- and then asking for a continuance. Well,  
3 I have to ask for a continuance, because I'm not getting what I  
4 need for the Court date that I want. I want to be able to  
5 present to say, listen, this is what -- I didn't do this. This  
6 is the evidence right here. I don't -- I don't understand this  
7 and that. It's just -- is it right?

8 THE COURT: I appreciate that you're in a bad  
9 situation, sir. I really do. And as I said a few minutes ago,  
10 I don't want to see your conditions of confinement be any  
11 stricter than they have to be. And there is a reason right now  
12 that the restraining order is a temporary restraining order.  
13 There is some indication before the Court that indicates that  
14 perhaps -- well, that definitely, your communication with  
15 certain individuals should be restricted temporarily. Okay.  
16 But nothing is set in stone here. And we're going to have an  
17 evidentiary hearing to establish whether or not that should or  
18 shouldn't be a permanent order. And I promise you, I've not  
19 made up my mind on that.

20 THE DEFENDANT: I know. Just a prime example, now  
21 what if I show the Court that -- that what they is presenting  
22 is a bunch -- was --

23 THE COURT: Was wrong?

24 THE DEFENDANT: What do I get from that? I done went  
25 through the punishment already.

1           THE COURT: I appreciate that, sir. It's no different  
2 than if you sit in jail for a year waiting for a trial and the  
3 jury finds you not guilty. There's no way to give you that  
4 year back, and for that I'm truly sorry.

5           THE DEFENDANT: I understand.

6           THE COURT: We don't have a perfect system. Okay. I  
7 mean it when I say it, my mind is not made up on a permanent  
8 restraining order. If you show me that everything is wrong --

9           THE DEFENDANT: I most definitely can show you that.

10          THE COURT: We'll wait and see on that. If you and  
11 your lawyer show me that this temporary restraining order  
12 should not be a permanent one, I will not hesitate to order  
13 that it be lifted. Okay.

14          All right. I think -- I'll get that order drafted and  
15 get it out to get Mr. Grant a shower, access to law library,  
16 and at least get him receiving incoming mail. I think that  
17 covers it.

18          Oh, I was handed a note that we need to change the  
19 hearing time that I said earlier. It's still going to be on  
20 the 21st, but it will be 11:00 a.m. to 1:00 p.m. Does that  
21 still work for everybody?

22          MS. DOYLE: Yes, Your Honor.

23          MR. WENDT: It would. And if I may, my understanding  
24 is the marshals are going to check on the ability to  
25 communicate via computer from the law library?

1           THE COURT: We're going to make sure that Mr. Grant  
2 getting access to the law library won't compromise his  
3 restrictions on his communication.

4           MR. WENDT: And if possible to do so, the Court will  
5 order that he has access?

6           THE COURT: Exactly right.

7           THE DEFENDANT: And everything else you said.

8           THE COURT: And everything else I said.

9           THE DEFENDANT: Okay. I just got to make sure.  
10 Because last time I told them to go back and tell them I did --  
11 they did, but the jail they only listen to Court orders.

12          THE COURT: I will issue an order. I will issue an  
13 order.

14          THE DEFENDANT: Yeah.

15          THE COURT: Okay. All right. Anything else from the  
16 government?

17          MS. IVERS: No, Your Honor.

18          THE COURT: All right. Anything else from the  
19 defense?

20          MR. WENDT: Not today.

21          THE COURT: Okay. Mr. Grant, any questions, comments,  
22 or concerns?

23          THE DEFENDANT: Naw, that was it.

24          THE COURT: All right. Thank you all very much for  
25 your hard work on this.

1           We are in recess.

2           DEPUTY CLERK: All rise. This matter is adjourned.

3 This Court now stands in recess until 2:00 p.m.

4           (Whereupon, the Court adjourned at 12:46 p.m.)

5                               --oo0oo--

6                               CERTIFICATE

7           I, Stacy M. Baldwin, Federal Official Court Reporter in and  
8 for the United States District Court of the District of Alaska,  
9 do hereby certify that the foregoing transcript is a true and  
10 accurate transcript from the digital recording in the  
11 above-entitled matter and that the transcript page format is in  
12 conformance with the regulations of the Judicial Conference of  
13 the United States.

14           Dated January 31, 2023.

15

16                               /s/ Stacy M. Baldwin  
17 STACY M. BALDWIN, RCR, RMR  
18 FEDERAL OFFICIAL COURT REPORTER  
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